



City of Loma Linda Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
Robert Ziprick, Councilmember
Charles Umeda, Councilmember

COUNCIL AGENDA: March 28, 2006
TO: City Council
VIA: Dennis R. Halloway, City Manager
FROM: Pamela Byrnes-O'Camb, City Clerk
SUBJECT: Minutes of February 14, 2006

RECOMMENDATION

It is recommended that the City Council approve the Minutes of February 14, 2006.

Due to the volume of Exhibits A through D referred to in the Minutes, the Exhibits have not been included in the agenda packet.

City of Loma Linda

City Council Minutes

Regular Meeting of February 14, 2006

A regular meeting of the City Council was called to order by Mayor Petersen at 5:43 p.m., Tuesday, February 14, 2006, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:	Mayor Floyd Petersen Mayor pro tempore Stan Brauer Robert H. Christman Robert Ziprick Charles Umeda
Councilman Absent:	None
Others Present:	City Manager Dennis R. Halloway City Attorney Richard E. Holdaway

CC-2006-022 – Closed Session

- a. Conference with Legal Counsel and Real Property Negotiator (Government Code Section 54956.8)

Property:	APN 0284-142-15 (Willis Drive)
Negotiators:	Dennis R. Halloway, Pamela Byrnes-O'Camb, Martin Eskenasy
Under Negotiation:	Price and terms of payment
- b.

Property:	11105 Mountain View Avenue
Negotiators:	Dennis R. Halloway, Jarb Thaipejr, Representative of Plaza Mini Storage
Under Negotiation:	Price and terms of payment
- c. Conference with Legal Counsel – Anticipated Litigation – Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation (Government Code Section 54956.9(c))

The City Council immediately recessed to consider the closed session items as listed and reconvened at 7:02 p.m. with all members present.

City Attorney Holdaway stated that relating to the real property item, the City Council conferred with legal Counsel and its Negotiators and gave direction. There was no final action to report. As to the Anticipated Litigation item, City Council conferred with Legal Counsel and gave direction, and there was no final action to report.

Councilman Ziprick led the invocation and Pledge of Allegiance. No items were added or deleted.

Oral Reports/Public Participation

Andrew Cornelius, Student at LLU School of Medicine, spoke about the mid-block crosswalk on Stewart Street near the Gentry Gym and asked that installation of enhanced lighting or other safety measures be considered. City Manager Halloway stated that a signalized crosswalk was required as part of the University's construction program at the northwest intersection of Anderson Street and Stewart Street. Director of Public Works Thaipejr stated that in the meantime, perhaps a streetlight could be placed near the mid-block crosswalk to provide additional lighting. Councilman Brauer suggested that crossing at the intersection would eliminate the problem with the mid-block crosswalk.

Conflict of Interest

Mayor pro tempore Brauer declared a possible conflict of interest on Items pertaining to the proposed Initiative as it related to the South Hills portion of the Land Use Element of the General Plan because of the proximity of his residence and also the Loma Linda University Adventist Health System Science Center (LUAHSC); Mayor Petersen and Councilman Ziprick declared possible conflicts of interest relating to the Loma Linda University Adventist Health Systems Science Center LUAHSC exemption portion of the same item.

The Rule of Necessity was invoked; straws were drawn, resulting in Mayor pro tempore Brauer sitting to constitute a quorum for the General Plan item relating to LUAHSC.

Scheduled and Related Items

CC-2006-023 - Presentation to Lindon Nicholls, Sr. Maintenance Worker, for Presentation to Lindon Nicholls, Sr. Maintenance Worker, for 15 years of service, July 28, 1991 – January 21, 2006

The Mayor presented Mr. Nicholls with a plaque and pen in recognition of his service to the City as Sr. Maintenance Worker. Mr. Nicholls acknowledged the Council Members.

CC-2006-024 – Presentation by Candlelighters Childhood Cancer Foundation of the Inland Empire to Loma Linda Firefighters in recognition of fundraising and support

Representatives of the Candlelighters Childhood Cancer Foundation stated that the Foundation developed a perpetual appreciation plaque to be awarded to the fire department that demonstrated outstanding dedication and support to children diagnosed with cancer. The Candlelighters presented a plaque to the Loma Linda Firefighters for support in 2005. Vying for the honor were the Departments of San Bernardino, Riverside, Redlands, San Manuel and San Bernardino County. Each Department participated in the Candlelighters Childhood Cancer Foundation calendar. Loma Linda Firefighters raised more funds throughout the year than the other departments to help the Candlelighters provide assistance to families with children who have cancer. She thanked Chief Norris, Chief Roddy and Captain Savik and their crews for providing support at the Annual Cancer Awareness Kids Walk in September, the Easter Party, the Christmas Party, the Hair-Cut-a Thon, and the food drive. The City Council was also thanked for allowing the Candlelighters to publicly acknowledge the Loma Linda Fire Department.

Mayor Petersen expressed appreciation to the Fire Department for being involved in community services.

Cc-2006-025 – Public Hearing – Community Development Block Grant (CDBG) Project prioritization for Fiscal Year 2006-2007 Funding cycle of \$139,000.00 including up to \$20,850.00 for approved public service projects

The Mayor opened the public hearing, stating that the funds were federal funds that the County of San Bernardino administered. The funds were to be utilized to improve the community, a portion of which was to be determined by the City Council for public service organizations. Councilman Ziprick commented that the funds might be terminated with the subject allotment. City Manager Halloway confirmed that this might be the final allocation; however, Congress was yet to consider the issue. Mayor Petersen stated that in the past the funds were used for street repairs and also for construction of the Senior Center.

Director of Public Works Thaipejr stated that a number of agencies requested funding and asked that representatives present their projects for possible funding of community service organizations. The total funding available was \$20,850 and requests far exceeded that amount.

Presentations were made by: Stan Sewell of the Loma Linda Branch of the San Bernardino County Library; Joseph Rodriguez of the Gang Reduction Intervention Team (GRIT); Emelly Rossperencer of Inland Temporary Homes; Cheryl Heesen of Family Services Association of Redlands, Inc.; Ken Olsen of the Olive Branch Counseling Center; and Michael Richards Jr. of the Fountain of Life Inc.

No other public testimony was offered and the public hearing was closed. Discussion ensued.

Motion by Ziprick, seconded by Umeda, and unanimously carried to award Inland Temporary Homes \$14,000; Gang Reduction Intervention Team (GRIT), \$2,500; Family Service Association of Redlands, Inc., \$2,500; Loma Linda Library, \$1,850 with \$3,150 to come from other sources.

CC-2006-026 – Comments on the Initiative

- a. Presentation by Jonathan Zirkle
- b. Presentation by Councilman Umeda

It was determined that Mayor Petersen, Mayor pro tempore Brauer, and Councilman Ziprick would leave the Council Chamber at times when the items pertaining to their individual conflict of interest would be discussed. Because of the manner in which the presentations were made, Mayor Petersen, Mayor pro tempore Brauer, and Councilman Ziprick left and returned to the Council Chamber intermittently.

The City Attorney explained that there were ongoing General Plan discussions where a Council Member having a conflict of interest would be segregated, even though ultimately the entire Council could vote on the overall General Plan. But when specific components were discussed, if a conflict of interest as to that component was noted, then the conflicted Council Member would avoid participation.

City Council Minutes
February 14, 2006
Page 3

Kathy Glendrange of Save Loma Linda introduced Julie Biggs, attorney for Save Loma Linda, to review the basic provisions of the Initiative and stated that subsequently she would address the specifics of the Initiative.

Julie Biggs with the Law Firm of Burke Williams & Sorenson, Riverside, addressed the City Council. In addition to the slide presentation, she stated that she reviewed the presentations by Jonathan Zirkle and Councilman Umeda which were to follow the Save Loma Linda presentation, and asked for rebuttal opportunity after the presentations.

Ms. Biggs then presented the slides as set forth in Exhibit "A" attached hereto and made a part hereof. She emphasized that the Initiative would set principles for growth management that would apply to all development; once the Initiative became law, it could not be changed without a vote of the people. The Initiative was proposed because of the perceived failure of City government to recognize the needs to the extent the citizens wanted those needs recognized. She reviewed the exemptions as being vested projects; certain non-profit entities including Loma Linda University Adventist Health Sciences Center; in-fill construction; remodeling, rehabilitation, additions, reconstruction or replacement; and temporary uses. She then recommended postponing a decision on the new General Plan until the policies set forth in the Initiative measure could be included in the new General Plan or a vote of the people was achieved.

Kathy Glendrange, 26551 Beaumont Avenue, presented slides pertaining to the Residential and Hillside Development Control Measure as set forth in Exhibit "B" attached hereto and made a part hereof. Questions and answers were exchanged between Mrs. Glendrange and City Council Members throughout the presentation. She stated that the provisions of the proposed Initiative were based upon a City of Redlands Ordinance.

Director of Community Development Woldruff clarified that the December 6, 2005 version of the General Plan Update was a hybrid of the proposed General Plan provision for the South Hills including portions of the proposals by Mr. Elssmann, Mr. Zirkle, and the Initiative. The hybrid was not Staff's recommendation. The proposed hillside provisions were contained in the October 2005 version of the General Plan Update.

Mayor Petersen commented that the General Plan had not been voted on by the City Council, so changes could be recommended for City Council review; therefore, it was a work in progress. The Initiative was not a work in progress in that not any portion of the Initiative could be changed unless a new Initiative was begun. He stated that the proponents of the Initiative, the major landowners in the South Hills, the Trails Committee and many others had been working to reconcile issues that posed tension among various groups. Many hours had been spent to try to obtain a common consensus. It was his understanding that the various groups had essentially reached a consensus on many of the issues, and asked that Mrs. Glendrange focus on the areas of disagreement.

Mrs. Glendrange proceeded with her presentation and closed by recommending that either the Save Loma Linda provisions be incorporated in the proposed General Plan or that a compromise be placed on the ballot as a modified initiative so that only the voters could change it in the future.

She concurred that Save Loma Linda was desirous of working toward a compromise; substantial concurrence had been reached in about four areas; however, one of the key parts of the compromise was that the Council would agree to place a modified initiative on the ballot. She also recommended that a vote on the General Plan be delayed until the people could vote upon the Initiative.

The City Council recessed at 9:35 p.m. and reconvened at 9:47 p.m. with all members present.

Councilman Christman provided a brief history, noting that the voters passed the first Initiative; the voters approved a second Initiative that replaced negative portions of the first Initiative. The City purchased 840 acres in the South Hills; therefore, the City controlled the destiny of a large portion of the South Hills area within the City Limits. Other portions of the South Hills were located within the County area but were included in the City's Sphere of Influence.

Stewart Albertson, 25965 Reed Way, addressed the City Council, questioning the affordability of homes under the Save Loma Linda plan; stating that the plan was very complex; and suggested that the plan would incite litigation. The Plan proposed by Jonathan Zirkle and Glenn Elssmann was understandable.

Mayor Petersen then called upon Jonathan Zirkle, who presented his comments on the Initiative, as set forth in Exhibit "C" attached hereto and made a part hereof. He stated that he had been involved in the early drafts of the Initiative; that it was modeled after the City of Redlands Measure U as to structure, but not content. The content of the Initiative had changed considerably since he was involved. He stated that he was a member of the Trails Committee and he used the Committee recommendation as his standard in preparing his comments.

Councilman Umeda began his presentation as set forth in Exhibit "D" attached hereto and made a part hereof, rebutting aspects of the Initiative pertaining to maintenance of levels of traffic service throughout the city and exemptions of certain non-profit entities. He also addressed the Regional Housing Needs Allocation (RHNA) and the requirements of the Housing Element; but did not conclude his presentation due to the lateness of the hour. He suggested the item be continued and that Save Loma Linda address two constitutional issues: separation of church and state and equal protection; and whether or not the Initiative would allow the City to comply with the State Housing Element Law.

Mayor Petersen asked why the view shed was not addressed for the west side of the hills, and Councilman Ziprick noted that the proposed Initiative would provide less open space than the proposal of the Trails Committee.

James Walling, Trails Committee Chairman, stated that the plan presented by Mr. Zirkle reflected most closely the will of the Committee.

Michael Christianson, Planning Commission Chairman, suggested that the General Plan be adopted with the exception of the South Hills portion and that the land use issues related to the South Hills be returned to the Planning Commission for review and recommendation.

Councilman Umeda expressed dissatisfaction that Save Loma Linda had not included the owners of property within in the South Hills for input when drafting the Initiative.

By common consent the item was continued to February 28.

CC-2006-027 – Consent Calendar

Motion by Christman, seconded by Ziprick and unanimously carried to approve the following items:

The Demands Register dated January 31, 2006 with commercial demands totaling \$91,331.53 and payroll demands totaling \$221,065.05.

The Demands Register dated February 14, 2006 with commercial demands totaling \$2,124,406.16 and payroll demands totaling \$193,935.09.

The Minutes of January 24, 2006 as presented.

The January 2006 Treasurer's Report for filing.

The December 2005 Fire Department Stats Report for filing.

The Removal and Replacement of Existing Water Service Laterals and Water Meters at Various Locations Throughout the City by TK Construction as complete and the recordation of a Notice of Completion.

Installation of traffic signals at Campus Street and Prospect Avenue by DBX, Inc. as complete and recordation of a Notice of Completion.

Removing the 20-minute parking space at 11290 Campus Street; Replacing two 2-hour parking spaces on the north side of Barton Frontage Road at Campus Street with 20-minute parking; and removing the remaining two-hour parking spaces on the north side of Barton Frontage Road with Residential Permit Parking.

The Chamber of Commerce Quarterly Report and disbursement of funds pursuant to the Agreement with the City.

Appropriation of \$30,876.60 to mitigate costs incurred for design specifications for the 2006 Smeal Fire Engine and Smeal Truck.

Acceptance and appropriation of a grant totaling \$20,200; and expenditure of \$2,020 as the City's 10 percent share of the costs of the United States Fire Administration Assistance to Firefighters Grant for a Thermal Imaging Camera, health screening, and exercise equipment.

Modifications to specifications for the Loma Linda Connected Community Program.

Declaration of items as surplus and authorization for disposition.

City Council Minutes
February 14, 2006
Page 5

Old Business

CC-2006-028 – Meeting schedule for March and July 2006

The City Clerk presented the request, noting that in order to accommodate the election schedule for swearing in the newly elected members to the City Council, the July meeting should be held prior to July 21; i.e., July 11 or July 18 rather than July 25 as previously scheduled. The other modification was to eliminate the March 7 meeting and keep the regular schedule because of the short time period between the February 28 and the meeting scheduled for March 7.

Councilman Christman noted that he would be in Washington D.C. on March 14. Discussion ensued.

By common consent, the meeting schedule for March was modified to eliminate the March 7 meeting and to schedule a meeting on March 14; to schedule the July meeting for July 18.

CC-2006-029

CRA-2006-010– Joint meeting of the City Council and Redevelopment Agency regarding Mid-Year Budget Review

- a. CRA Bill #R-2006-03 – Authorizing Loan to City for Loma Linda Connected Community Program
- b. Council Bill #R-2006-07 – Accepting Loan from the Agency for the Loma Linda Connected Community Program

The Agency Board reconvened at 11:52 p.m. with all members present.

Motion by Christman, seconded by Petersen and unanimously carried to adopt CRA Bill #R-2006-03.

Resolution No. 257

A Resolution of the Loma Linda Redevelopment Agency authorizing a loan to the City of Loma Linda Connected Community Program in the sum of \$2,328,800

Motion by Christman, seconded by Brauer and unanimously carried to adopt Council Bill #R-2006-07.

Resolution No. 2433

A Resolution of the City Council of the City of Loma Linda, authorizing acceptance of a loan from the Loma Linda Redevelopment Agency in the amount of \$2,328,800

The Agency Board recessed to allow completion of the City Council Agenda.

CC-2006-030 – Award contract to John Griffin for Quad III, Phase I and Quad IV, Phase I Fiber Optic Backbone and various distribution components for the Loma Linda Connected Community Program

Director of Information System Hettrick presented the report, stating that the proposed extension would provide the ability of connectivity to Loma Linda Academy at Anderson Street and Academy Way; the well site on Richardson Street north of Redlands Boulevard; incorporate a portion of the Business Center at Redlands Boulevard and Mountain View Avenue; the Oasis Apartment complex on Mountain View Avenue; as well as the VA Hospital, LLUMC, and the Loma Linda Plaza. Project completion was anticipated to be June 30. He then responded to questions.

Motion by Christman, seconded by Ziprick and unanimously carried to award the contract to John Griffin in the amount of \$1,375,400.

New Business

CC-2006-031 – Council Bill #O-2006-01 (First Reading/Set Public Hearing for February 24) – Amending Section 2.12.020 of the Municipal Code pertaining to salary for Councilmen

City Manager Holloway presented the report, stating that the City Council had not modified its salary since 1993. If approved, City Council salary would increase from \$377.13 to \$711.13 as provided for by State

City Council Minutes
February 14, 2006
Page 6

Law and would become effective upon the seating of the new City Council subsequent to the June 2006 election. The increase would cost the City an additional \$20,040 per year.

Motion by Christman, seconded by Brauer and unanimously carried to introduce Council Bill #O-2006-01 on First Reading and to set the Public Hearing for February 28.

Reports of Councilmen

Councilman Umeda suggested that the Planning Commission have the opportunity to see the projects that they approved when completed, and to evaluate the projects' architecture, design, etc., so that an institutional knowledge and understanding would be developed as to what worked and what didn't. He then suggested that Staff be directed to propose to the Planning Commission the scheduling of a tour of the finished products and that recommendations be submitted.

Councilman Christman stated that he met with SANBAG regarding financial assistance to implement the Quiet Zones at the railroad intersections of Beaumont Avenue and Whittier Avenue. His request was being processed.

Mayor pro tempore Brauer asked Staff to investigate possible methods to reduce the cost of implementing the Railroad Quiet Zones.

Councilman Ziprick suggested that the City Council schedule workshops with the Trails Committee and Planning Commission.

Mayor Petersen commented on the red light cameras and stated that he had received positive comments from citizens. He stated that it was too early to realize any revenue or to determine what the potential revenue stream might be, but that use of the revenue should be discussed with priority given to safety issues.

The meeting adjourned at 12:07 a.m.

Approved at the meeting of

City Clerk